

Serial No. 10/783,728

Response

Amendments to the Drawings

The attached drawing sheets include a replacement sheet for FIG. 1.

Attachment: Replacement Sheet for FIGS. 1-2
Annotated Sheet showing changes (FIG. 1)

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Remarks

FIG. 1 has been amended to add the legend "Prior Art", as supported in the specification at page 5, lines 20-23. No new matter has been added.

Claims 26-31 and 56-80 are pending. Claims 78-80 stand as being withdrawn by the Examiner.

Claims 26, 32, 56-57, 59-60, 63, 67, 70-71, and 73, have been amended. No new matter has been added with the amendments to the claims, which are intended to merely clarify language used in the claims and/or the subject matter claimed. The scope of the claims is intended to be the same after the amendment as it was before the amendment.

Objections to Drawings

In response to the Examiner's objection to FIG. 1, the legend "Prior Art" has been added to the drawing. Accordingly, withdrawal of this objection is respectfully requested.

Objections to Claims (informalities)

The Examiner objected to Claims 32 and 70 for lack of antecedent basis.

Claim 32 has been amended to depend from Claim 31.

Claim 70 has been amended to recite "an output measurement of pH..."

The Examiner objected to Claims 59 and 63, which have been amended to incorporate Markush-type claim language.

Accordingly, withdrawal of these objections to the claims is respectfully requested.

Rejection under 35 U.S.C. § 103(a) (Conti)

The Examiner rejected the claims as obvious over Conti (USP 5,387,279) in combination with one or more of Takekoshi (JP 6-344533), Matsumoto (USP 6,294,318), Matsumoto (USP 5,064,749), Beckley (USP 4,523,854), Whitehead (USP 5,897,693), Newman (USP 4,231,605), and/or Hill (USP 4,390,035). Insofar as these rejections are maintained with respect to the claims as amended, these rejections are respectfully traversed.

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The basis of the Examiner's rejections of the claims is that:

(a) Conti discloses a lithographic dampening solution composed of a diluted commercial dampening solution concentrate mixed with a micro-emulsion component composed of a C₃ glycol, a propylene glycol C₁₋₆ alkyl ether, and a water-soluble polymer (Claims 56, 58, 61, 62, 64, 66);

(b) Takekoshi discloses an apparatus for mixing two undiluted dampening solutions A and B into a water tank 26, which would be obvious to be used with Conti's system (Claims 56, 58, 61, 62, 64, 66);

(c) Matsumoto '318 discloses a concentrated dampening composition that includes an organic acid or inorganic acid, which would be obvious to combine into the commercial dampening solution concentrate of Conti's solution (Claims 57, 59, 67);

(d) Matsumoto '749 discloses a concentrated dampening composition that includes an organic acid and a 30-75% by wt. water content, which would be obvious to combine into the commercial dampening solution concentrate of Conti's solution (Claims 26, 27, 65);

(e) Beckley discloses a conduit 66 for discharging a fountain solution into a recirculating tank, which would be obvious to combine with Conti's system (Claims 29-30);

(f) Whitehead discloses a sensor 33 to measure pH or conductivity of a fountain solution, which would be obvious to combine with Conti's system to automatically add fountain solution concentrate as needed (Claims 31, 69, 77);

(g) Newman discloses packaging of two separate fluid containers, which is a carrier for large size containers that includes interlocking handles on each container to hold the containers together, which would be obvious to combine with Conti's system to maintain the two concentrates in close proximity (Claims 67, 68, 71-72, 73, 74-76); and

(h) Hill discloses an apparatus for metering a proportion of a stream of two chemicals from tanks 32, 32a into a chamber 28 to form a mixed solution, which would be obvious to combine with Conti's system for automatic metering and mixing the two concentrates (Claims 26, 28, 67-68, 71-72, 74, 76).

Allowable Subject Matter. In the Office Action at page 19, the Examiner objected to Claims 32, 60, 63, and 70 as being based on a rejected based claim, indicating that these claims

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would be allowable if amended to include the limitation of the base claim and any intervening claims (and amended to overcome the informalities).

The Examiner stated that Claim 60 contained allowable subject matter based on the percentages of the components recited in that claim.

Claims 26, 56, 67, 71, and 73 have been amended to incorporate the limitations of Claim 60, namely *about 10-60 % by wt film-forming water-soluble polymer, about 5-50 % by wt organic acid, about 5-50 % by wt inorganic acid.*

It is submitted that the claims as amended define over the cited prior art.

Conti, either alone or combined with any of the secondary references, does not teach or suggest Applicant's invention as claimed. Accordingly, withdrawal of the Examiner's rejections of the claims is respectfully requested.

Reconsideration of withdrawn Claims 78-80. The Examiner is respectfully requested to reconsider the withdrawal of Claims 78-80, and include them in an allowance of the claims.

Similar to Claim 60 which the Examiner has found to be allowable, Claim 78 recites a film-forming fountain solution concentrate comprising *about 20-40 % by wt film forming polymer, about 20-30 % by wt organic acid, about 10-20 % by wt inorganic acid, and about 10-20 % by wt buffering agent.* Claims 79-80 depend from Claim 78.

Like the examined pending claims, it is submitted that these claims likewise define over the cited art, and the allowance of these claims is requested.

Extension of Term. The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply. Applicant believes that a one (1) month extension of term is required. Please charge the required fee to Account No. 23-2053. If an additional extension is required, please consider this a petition therefor, and charge the required fee to Account No. 23-2053.

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It is submitted that the present claims are in condition for allowance, and notification to that effect is respectfully requested.

Respectfully submitted,

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Appendix

Replacement Sheet for FIGS. 1-2

Annotated Sheet showing changes (FIG. 1)